

February 19, 1975

We have cases where a father is known and refuses to relinquish and this means that you have got to sit there and wait until the two year statute of limitations runs out before the cloud is removed or, if the father is unknown, there is a case of just rights do exist. This bill provides for a positive denial of paternity unless the natural father takes a positive action to assert that claim of paternity. The bill says that he has to assert that claim within five days after the birth of a child. If the claim is asserted, if the claim is filed, then there is a procedure established in the bill for adjudicating that claim through the county courts for determining custody of the child for determining what is going to happen. There is also a procedure where the mother can refute that claim and for adjudication of that determination as well. So I think this pretty well covers the bill. The basic purposed is to provide a procedure whereby this claim can be asserted and whereby this claim can be adjudicated in the court so that the determination can be made so that the adoptive have a court determination as to the actual custody of the child. So, I, again, renew my motion to advance the bill to E & R Initial.

SPEAKER: Any further discussion? Seeing none, the question is, shall LB 224 be advanced to E & R for review. Have you all voted? The Clerk will record.

CLERK: 30 ayes, 0 nays, Mr. President, on motion to advance.

SPEAKER: The bill is advanced. LB 276.

CLERK: LB 276 introduced by the Judiciary Committee and signed by the members thereof. Read title. There are Committee amendments as well as further amendment by Senator Luedtke.

SPEAKER: Senator Luedtke.

SENATOR LUEDTKE: Mr. President, I move the adoption of the Committee amendments to LB 276. The Committee amendments are two kinds. One, they insert after the word "felony" on Page 2, line 5 where it now had only added in the bill "felony" to the person who could be granted the privilege of leaving jail. This is work release, now, that we are talking about here, and this bill was requested, again, by the District Judges Association and the Council. We are trying to give the judges more tools to deal with, and as I mentioned in the previous bill this morning that we discussed on this matter. This would add "felony" but the amendment would also add "contempt" and this was requested by Judge Fahrnbruch when he appeared before the Committee to allow the use of work release for individuals who have been held in contempt. This is brought about because of the increased use of contempt in child support cases which we have been more active in in the past couple of years as a result of bills brought to the attention of this body by the Judiciary Committee and by Senator Schmit. The contempt would be included. The amendments only deal with clarification of language which changes "hers" to "persons", "such persons" and that sort of thing.

SPEAKER: Any further discussion on the Committee amendment?

SENATOR LUEDTKE: All right. Mr. President, I would...

SPEAKER: Senator Luedtke.